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Attorney for Plaintiff  
BETTY JEAN NAPIER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

BETTY JEAN NAPIER,

Plaintiff,

v.

TITAN MANAGEMENT SERVICES, LLC,  
a Georgia limited liability company, and  
FREDERICK ALLEN HOWARD,  
individually and in his official capacity,

Defendants.

Case No. C08-00910-RS

**REQUEST FOR ENTRY OF  
DEFAULT AGAINST DEFENDANT,  
FREDERICK ALLEN HOWARD**

TO: CLERK OF THE DISTRICT COURT:

Please enter a default in this matter against Defendant, FREDERICK ALLEN HOWARD, on the ground that said party has failed to plead or otherwise defend this action within the time prescribed by the Federal Rules of Civil Procedure. Specific facts supporting the entry of default are set forth in the accompanying declaration of counsel.

CONSUMER LAW CENTER, INC.

Dated: April 2, 2008

By: /s/ Fred W. Schwinn  
Fred W. Schwinn, Esq.  
Attorney for Plaintiff  
BETTY JEAN NAPIER

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BETTY JEAN NAPIER,

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Defendants.

Case No. C08-00910-RS

**DECLARATION OF COUNSEL IN  
SUPPORT OF ENTRY OF DEFAULT  
AGAINST DEFENDANT,  
FREDERICK ALLEN HOWARD**

[Fed. R. Civ. P. 55(a)]

FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am an attorney and counselor at law, duly admitted to practice before this Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff, I have personal knowledge of the matters stated in this declaration.

2. I hereby make application to the Clerk of this Court for entry of default as to Defendant, FREDERICK ALLEN HOWARD, pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in support of this application do show that:

a. Defendant was substitute served, through his wife, with copies of Plaintiff's Summons and Complaint as provided by Rule 4(c)(1), Federal Rules of Civil Procedure;

b. Upon Plaintiff's information and belief, Defendant, being an

1 individual with his principal place of business in Duluth, Georgia, is  
2 neither an infant nor an incompetent person requiring special service  
3 in accordance with Rule 4(g), Federal Rules of Civil Procedure, and  
4 is not serving with the armed forces of the United States entitled to  
5 the protection of 50 U.S.C. App. Section 520;

6 c. Defendant has neither answered nor otherwise responded formally to  
7 the Plaintiffs's Summons and Complaint, and the time to do so, as  
8 provided in Rule 12(a), Federal Rules of Civil Procedure, has  
9 expired;

10 d. Copies of this Declaration and the Request for Entry of Default,  
11 seeking entry of default, which are being filed herewith, have this  
12 date been served upon Defendant by regular mail, postage prepaid.

13 Executed on April 2, 2008, at San Jose, California.

14 /s/ Fred W. Schwinn  
15 Fred W. Schwinn, Esq.  
16 Attorney for Plaintiff  
17 BETTY JEAN NAPIER  
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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 BETTY JEAN NAPIER,

12 Plaintiff,

13 v.

14 TITAN MANAGEMENT SERVICES, LLC,  
15 a Georgia limited liability company, and  
16 FREDERICK ALLEN HOWARD,  
individually and in his official capacity,

Defendants.

Case No. C08-00910-RS

**ENTRY OF DEFAULT AGAINST  
DEFENDANT, FREDERICK ALLEN  
HOWARD**

17 It appears from the record that the following defendant failed to plead or otherwise  
18 defend in this case as required by law.

19  
20 Name:

FREDERICK ALLEN HOWARD

21  
22 Therefore, default is entered against the defendant as authorized by Fed R. Civ. P. 55(a).  
23  
24

25 \_\_\_\_\_  
Clerk of the Court

26 By: \_\_\_\_\_  
Deputy Clerk

27 \_\_\_\_\_  
Date



1 addressed as follows:

2 **DEFENDANT:**

3 Frederick Allen Howard  
4 Titan Management Services, LLC  
5 2160 Satellite Boulevard, Suite 350  
6 Duluth, GA 30097-4074

**DEFENDANT:**

Frederick Allen Howard  
10665 Nellie Brook Court C  
Duluth, GA 30097-1901

7 I declare under penalty of perjury that the foregoing is true and correct and that this  
8 declaration was executed at San Jose, California on April 2, 2008.

9 /s/ Fred W. Schwinn